

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SHIMBA JONES,

Plaintiff,

-against-

BLOOMBERG, L.P.,

Defendant.
-----X

Index No.:

VERIFIED COMPLAINT

Plaintiff, as and for her Verified Complaint, respectfully alleges, all upon information and belief, as follows:

IDENTITY OF PARTIES

1. At all relevant times mentioned herein, Plaintiff Shimba Jones ("Jones") was employed by Defendant Bloomberg, L.P. ("Bloomberg") in its offices in the County, City and State of New York.

2. At all relevant times mentioned herein, Bloomberg was and is a limited partnership that maintains its principal place of business in the County, City and State of New York.

3. Bloomberg is a financial information, news and media company that includes television and radio stations, internet services, and magazine and book publishing operations.

BACKGROUND RELEVANT TO ALL CAUSES OF ACTION

4. Jones commenced her employment with Bloomberg in October 2000 as a Network Security Technician.

04 SEP - 8 PM 4: 56
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION
CITY OF N.Y. LAW DEPT.

2004 SEP - 8 PM 4: 08
NYC COMMISSION
ON HUMAN RIGHTS
LAW ENFORCEMENT BUREAU

5. At all relevant times herein, Jones satisfactorily performed her duties as a Network Security Technician.

6. After commencing her employment, Bloomberg engaged in a pattern and practice of unwelcome, humiliating, egregious and reprehensible sexual harassment because of Jones' gender, the effect of which created a hostile work environment for Jones and which significantly altered the terms, conditions and privileges of her employment.

7. Specifically Jones' supervisor, Stan Smith ("Smith"), engaged in vicious, egregious and reprehensible sexual harassment, which was unwelcome to Jones and included, among other things and only by way of example:

- Telling Jones, "I want to eat your pussy;"
- Telling Jones, "Your resume didn't get you here; I hired you because I liked your big breasts;"
- Jones' supervisor continually rubbed up against her body and pressed himself against her from behind, and did so although Jones complained and asked him to stop as she did in reference to the other conduct in which he was engaged;
- Jones' supervisor gave her a bad review when she refused to sleep with him;
- Jones' supervisor offered to "rate her on something other than her job performance," in a manner which meant that Jones' performance rating could be based on her sexual performance;
- Jones' supervisor constantly stared at her breasts, intimidating Jones and causing her to wear baggy clothing in the hope of discouraging her supervisor's attentions;

- Telling Jones he wanted to “finger fuck” her and asking her if she likes that;
- Licking his lips and telling Jones that he wanted to “suck on her breasts;”
- Jones’ supervisor told Jones he had a dream about having sex with her and about “how good it felt.”
- Telling Jones he could “fuck her better than her husband” and becoming angry when she mentioned her husband;
- Telling Jones, “I have never had a dark-skinned woman, but there’s something about you that really turns me on;”
- Telling Jones, “I think about you when I get horny;”
- Jones’ supervisor talked about the size of Jones’ behind, telling her how he would “grip her butt” if they were in bed;
- Telling Jones, “It will not be a one night stand after I finish fucking you, you could believe that;”
- Jones’ supervisor asked Jones to smoke marijuana and have sex with him;
- Jones’ supervisor boasted about the size of his penis and how he could please her in bed;
- Jones’ supervisor gave Jones the security code to enter his apartment building and told her to come to his home in order to have sex with him, telling her to “Park your car in slot 6;”
- Telling Jones, “I don’t like jerking off;”
- Jones’ supervisor informed Jones that he sometimes drives to her hometown in Pennsylvania to see where she is living;
- Jones’ supervisor also called her at work and told her that he “needed to get laid” and offered to buy her roses;
- Telling Jones, “I want you for Christmas,” indicating that he, Jones’ supervisor, wanted Jones sexually;

- Telling Jones that he wanted to massage her body,
- Jones' supervisor told Jones that men stare at his penis in the men's bathroom;
- Jones' supervisor called her to ask her "advice" about his daughter "getting her titties reduced;"

The acts mentioned above are not inclusive, but instead are only examples of the many egregious, unwelcome and humiliating acts that took place during the period mentioned herein, which severely, materially and pervasively altered the terms, conditions and privileges of Jones' employment.

8. The conduct and discriminatory acts to which Bloomberg subjected Jones were perpetrated by the same person and were of a continuous and similar pattern throughout the entire period in which it occurred.

9. At all relevant times herein, Jones' supervisor, Smith, committed the acts alleged herein while employed by Bloomberg and while he was in a position of power and authority over Jones and his conduct was ratified, condoned and allowed by Bloomberg.

10. Jones advised Smith that his conduct was unwelcome but he continued nonetheless, which conduct was ratified and condoned by Bloomberg.

11. The hostile environment created and condoned by Bloomberg, which a reasonable person would find hostile and abusive, and which Jones did, in fact, perceive to be so, was

intimidating, threatening and humiliating, and caused her to suffer harm that significantly impacted upon her.

12. Jones complained of Smith's conduct to Smith's supervisor and Bloomberg's Human Resources Department, thereby engaging in a protected activity under the New York City Human Rights Law.

13. Bloomberg, however, did not take effective steps to stop the sexual harassment, choosing instead to ignore the fact that discrimination and harassing conduct existed and was continuing in its workplace.

14. Bloomberg's failure to effectively respond to Jones' complaints and prevent the vicious and threatening harassment from continuing, which it was required to do, violated the New York City Human Rights Law.

15. In retaliation for engaging in the protected activity of protesting her unlawful treatment, Bloomberg subjected Jones to adverse employment action, which included but was not limited to being subjected to harsh scrutiny not imposed on Jones' co-workers, unwarranted negative performance reviews in contrast to the previously positive review she had been given by the same supervisor one year earlier, being yelled at, intimidated and berated, being placed on performance warning only after she reported the sexual harassment, hostility and discrimination in her workplace

and being ostracized by her co-workers due to Bloomberg's hostile and intimidating conduct towards Jones.

16. The sexual harassment and retaliation that Jones endured became so intense that she was required to go on medical leave due to the severe emotional and mental distress that she was forced to suffer at Bloomberg.

17. When Jones returned to Bloomberg from a medical leave in April 2004, she was officially transferred to the position of Help Desk Representative, which was in effect a demotion, requiring her to perform the tasks of an entry level employee, which she was not, was not in keeping with her level of training and expertise so that Jones was humiliated and degraded by this demotion and Jones believes this was done and intended to force her to quit.

18. This effective demotion constitutes an official act by Bloomberg.

19. The retaliation to which Jones was subjected to by Bloomberg, after she complained and opposed the sexual harassment to which she was subjected, had no legitimate business reason or justification, but instead was motivated by Bloomberg's unlawful retaliatory animus towards Jones for complaining about the sexual harassment and hostile and intimidating work environment to which Bloomberg subjected Jones.

20. Other frightening and intimidating conduct took place in the workplace which was hostile and threatening and placed Jones in fear for her safety, of which Bloomberg was aware, but concerning which it failed to respond in an effective fashion.

21. Jones has suffered from the adverse effects of the harassment and retaliation because she was subjected to the intimidating and threatening type of conduct described herein, for which Jones has been required to seek medical attention, all of which will continue into the future and remain a source of humiliation, anguish, and loss to Jones so that she has been significantly damaged solely as a result of the harassment and retaliation she was forced to endure by Bloomberg.

**AS AND FOR THE FIRST CAUSE OF ACTION ON BEHALF OF
JONES AGAINST BLOOMBERG FOR GENDER DISCRIMINATION
IN VIOLATION OF CHAPTER I, TITLE 8, §8-107(1)(a) OF THE
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK**

22. Jones repeats, re-alleges and incorporates in full paragraphs 1 through 21 of this Complaint, as though fully set forth at length.

23. The entirety of the acts which constitute and form this cause of action, as set forth above, all of which are deemed repeated and re-alleged herein as though said paragraphs were specifically set forth herein, were perpetrated upon Jones while she was in the course of her employment with Bloomberg.

24. At the time that Bloomberg allowed and condoned the sexually hostile environment that Jones was forced to suffer simply because of her gender, she was protected against such conduct under the New York City Human Rights Law.

25. Throughout the time of her employment with Bloomberg, Jones performed the duties and functions of her employment in fully satisfactory fashion.

26. The conduct that Bloomberg took against Jones which forms the basis of this cause of action was unwelcome to her, a fact which Bloomberg knew, or should have known, as a result of Jones' complaints and the actual nature of the conduct, all of which was ignored by Bloomberg in that, among other things, Bloomberg failed to take any genuine or effective remedial action to prevent or stop it.

27. Bloomberg is liable to Jones for the sexual harassment she suffered in her workplace, which was created because of Jones' gender, because Bloomberg created, allowed and condoned a workplace permeated with discriminatory intimidation, ridicule and insult that was sufficiently severe and pervasive so as to alter the terms, conditions and privileges of Jones' employment and created an abusive, threatening and hostile work environment, all of which was an adverse employment action.

28. Bloomberg was obligated to maintain a workplace free of hostility and to prevent its employees from violating any laws designed to prevent unlawful discrimination in employment and

therefore, is legally responsible and liable to Jones for the acts of its employees toward her, of which they had notice, and all of which resulted in an adverse employment action against Jones in violation of the New York City Human Rights Law that gives rise to an inference of discrimination.

29. Bloomberg failed to effectively enforce a program against sexual harassment and failed to take effective remedial action with respect to the discrimination described herein, despite Jones' repeated requests for such discrimination to cease, and as Bloomberg was obliged to do under the New York City Human Rights Law.

30. Bloomberg knew or, in the exercise of reasonable care, should have known of the abusive and reprehensible conduct of Jones' supervisor directed against her, and of the other intimidating and frightening conduct in the workplace and, in fact, conducted an "alleged" investigation which was frivolous and a sham and in which intimidating and frightening conduct was ignored.

31. Jones was caused to suffer emotional injuries, all of which humiliated and otherwise intimidated and degraded Jones because of Bloomberg's outrageous conduct in violation of Jones' human rights, all of which impacted upon her emotional well-being.

32. The aforementioned acts of unlawful gender discrimination against Jones are in violation of Chapter I, Title 8, §8-107(1)(a) (referred to as the New York City Human Rights Law), which provides, *inter alia*, that:

It shall be an unlawful discriminatory practice: (a) For an employer or an employee of agent thereof, because of the ... gender ... of any person to discriminate against such person in compensation or in terms, conditions or privileges of employment.

33. As a result of Bloomberg's violation of the New York City Human Rights Law §8-107(1)(a), Bloomberg is liable to Jones pursuant to §8-502(a) of said statute for "damages, including punitive damages," and pursuant to §8-502(f) of said statute for "costs and reasonable attorney's fees" based on the lodestar method as has been judicially established and accepted when attorney's fees are provided for under the law.

34. As a proximate result of Bloomberg's conduct, Jones has been adversely affected in her employment, her well-being and in her normal life's pursuits, and Jones believes Bloomberg's conduct complained of herein has and will continue to have an irreparably devastating effect upon her career, all of which Jones alleges in this cause of action to be in the amount of Two Million (\$2,000,000) Dollars.

35. Here, the acts of Bloomberg were so reprehensible and were done so clearly with malice and/or reckless indifference in the face of perceived risk that its actions would violate Jones' protected rights under the New York City Human Rights Law, that, in addition to all the damages inflicted upon Jones and in addition to all the measures of relief to which Jones may properly be entitled herein, Bloomberg should also be required to pay punitive damages as punishment for its

discriminatory conduct in the further amount of Three Million (\$3,000,000) Dollars, in order to deter Bloomberg and others similarly situated from engaging in such conduct in the future.

36. Jones, therefore, seeks compensatory damages in the first cause of action, including, among other things, the emotional harm inflicted upon her in the sum of Two Million (\$2,000,000) Dollars, and the additional and further sum of Three Million (\$3,000,000) Dollars for punitive damages, making a total of Five Million (\$5,000,000) Dollars, in this specific cause of action, plus the costs of this action as well as reasonable attorney's fees on this first cause of action based on the lodestar method as has been judicially established and accepted when attorney's fees are provided under the law, as exists in this cause of action.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF
JONES AGAINST BLOOMBERG FOR RETALIATION IN VIOLATION
OF CHAPTER I, TITLE 8, §8-107(7) OF THE ADMINISTRATIVE
CODE OF THE CITY OF NEW YORK**

37. Jones repeats, re-alleges and incorporates in full paragraphs 1 through 21 of this complaint, as though fully set forth at length herein.

38. When Jones complained about the gender-based discriminatory treatment that she was subjected to by Bloomberg, which is a protected activity under the New York City Human Rights Law, she was subjected to retaliation and further abuse, all of which adversely and severely impacted upon her position, career and well-being and was designed to punish her for having complained about the humiliating, sexually harassing treatment she was forced to endure.

39. Bloomberg was aware that Jones engaged in a protected activity under the New York City Human Rights Law when she complained about the hostile environment, but nevertheless, retaliated against her for doing so.

40. In retaliation for complaining about the conduct of her supervisor and the hostile environment which Bloomberg caused, permitted and allowed to exist in Jones' workplace, Bloomberg, without basis or jurisdiction, refused to address or effectively investigate Jones' complaint and then took adverse employment action against Jones, irreparably affecting Jones' emotional condition due to the constant humiliation and degradation that resulted in a significant loss to Jones.

41. The retaliatory conduct and action taken by Bloomberg were causally connected to Jones' protected activity, *i.e.*, protesting the sexual harassment and hostile environment created by Bloomberg and to which Jones was subjected by Bloomberg.

42. Bloomberg failed to effectively remedy or prevent and, indeed, exacerbated the hostility, vindictiveness and degrading nature of Jones' work environment, although it knew, or in the exercise of reasonable care, should have known of the retaliation and its causal effect upon Jones.

43. The hostile, abusive, demeaning and humiliating work environment resulting from the pattern and practice of retaliation to which Jones was subjected, unreasonably interfered with Jones' work and, therefore, altered the terms, conditions and privileges of her employment.

44. Jones was caused to suffer and continues to suffer from the adverse effects of Bloomberg's prolonged course of humiliation and degradation, and Bloomberg's retaliation, because she opposed the sexual harassment to which she was subjected by Bloomberg, in violation of Jones' human rights under the law.

45. The aforementioned acts of Defendant constitute unlawful discriminatory retaliation against Jones in violation of Chapter I, Title 8 of the Administrative code of the City of New York, §8-107(7) of the New York City Human Rights Law, which provides, *inter alia*, that:

It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter...

46. As a direct and proximate result of Bloomberg's violation of the New York City Human Rights Law, Defendant is liable to Jones pursuant to §8-502(a) of said statute for "damages, including punitive damages," and pursuant to §8-502(f) of said statute for "costs and reasonable attorney's fees," based on the lodestar method as has been judicially established and accepted as a means of calculating attorney's fees, when they are properly available under the law, as they are here.

47. As a direct and proximate result of Bloomberg's conduct complained of herein, and as alleged in this cause of action, as well as the conduct set forth in this Complaint, Jones has been adversely affected in her employment and in her life's normal pursuits, and Jones believes that the injuries inflicted upon her as direct result of the occurrences complained of herein have, and will

continue to have, an irreparably devastating effect upon her well-being, for which Bloomberg should be required to pay Jones in the amount of Two Million (\$2,000,000) Dollars in compensatory damages.

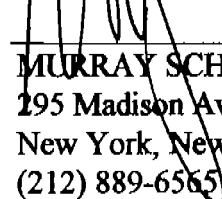
48. Here, the acts of Bloomberg were so egregious and were done so clearly with malice and/or reckless indifference in the face of a perceived risk that its actions would violate Jones' protected rights under the New York City Human Rights Law, that, in addition to all the damages inflicted upon Jones and in addition to all the measures of relief to which Jones may properly be entitled herein, Bloomberg should also be required to pay punitive damages as punishment for its discriminatory conduct in the further amount of Three Million (\$3,000,000) Dollars, in order to deter Bloomberg and others similarly situated from engaging in such conduct in the future.

49. Jones, therefore, seeks compensatory damages in the second cause of action, including, among other things, for the emotional harm inflicted upon her in the sum of Two Million (\$2,000,000) Dollars, and the additional and further sum of Three Million (\$3,000,000) Dollars for punitive damages, making a total of Five Million (\$5,000,000) Dollars, plus the cost of this action as well as reasonable attorney's fees on this cause of action.

WHEREFORE, Plaintiff Shimba Jones demands judgment against Defendant Bloomberg, L.P. on the First Cause of Action in the sum of Two Million (\$2,000,000) Dollars in compensatory damages and the further and additional sum of Three Million (\$3,000,000) Dollars in punitive damages for a total of Five Million (\$5,000,000) Dollars in the first cause of action, plus the costs

of this action and reasonable attorney's fees as is permitted under the law; and on the Second Cause of Action in the further and additional sum of Two Million (\$2,000,000) Dollars in compensatory damages and the further and additional sum of Three Million (\$3,000,000) Dollars in punitive damages for a total of Five Million (\$5,000,000) Dollars, plus the costs of this action and reasonable attorney's fees as permitted under the law in the second cause of action, and for such other relief as this Court deems just and proper, thereby seeking a total of Ten Million (\$10,000,000) Dollars plus costs and legal fees as provided under the law and for such other relief as to the Court seems just and proper.

SCHWARTZ & PERRY, LLP
Attorneys for Plaintiff

By: 

MURRAY SCHWARTZ
295 Madison Avenue
New York, New York 10017
(212) 889-6565

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SHIMBA JONES,

Plaintiff,

-against-

BLOOMBERG, L.P.,

Defendant.
-----X

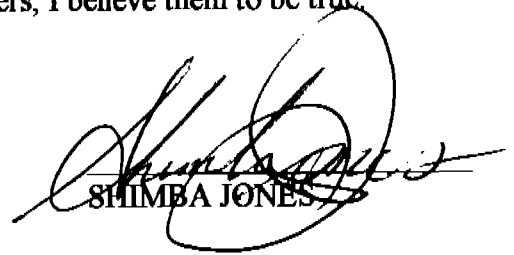
Index No.:

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

SHIMBA JONES, being duly sworn, says:

I am the Plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my knowledge, except as to the matters therein stated to be alleged on the information and belief, and as to those matters, I believe them to be true.


SHIMBA JONES

Sworn to me this 8th
day of September 2004


NOTARY PUBLIC

BRIAN A. HELLER
Notary Public, State of New York
No. 02HE6081554
Qualified in New York County
Commission Expires October 7, 2006

Index No. _____ Year _____
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SHIMBA JONES,

Plaintiff,

-against-

BLOOMBERG, L.P.,

Defendant.

VERIFIED COMPLAINT

LAW OFFICES

Schwartz & Perry
Attorneys for **Plaintiff**

Office and Post Office Address, Telephone

295 MADISON AVENUE
NEW YORK, NY 10017

(212) 889-6565

To

Signature (Rule 130-1.1-a)

Attorney(s) for

Print Name Below

MURRAY SCHWARTZ

Service of a copy of the within

Dated,

is hereby admitted.

.....
Attorney(s) for

Sir:— Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the Hon.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

Dated,

at

M.

Yours, etc.

Schwartz & Perry

Attorneys for